

2 MR. ARMSTRONG: Your Honor, I see no reason to
3 basically keep Tenzer Greenblatt in the case. I would
4 probably be better served going forward pro se at this point.
5 I don't think that -- you know, I don't see really what
6 purpose they can serve for me at this stage in the game.

7 With respect to the confusion over whether or not
8 tapes -- the tapes in question, your Honor, are predominantly
9 tapes that were made after September 3rd in my effort to
10 gather evidence for my own defense after I was dismissed by
11 the receiver from the offices, so I do not see where they are
12 corporate records of any nature. They certainly have nothing
13 to do with anything as far as assets are concerned or anything
14 of that nature.

15 The other tapes, your Honor, were made as a
16 journalist, so to speak. I did a number of pieces and
17 monitored a significant effort by a number of investment banks
18 and fund managers who attempt to organize together in
19 manipulating markets. I wrote extensively about several cases
20 on that, and I made tapes to back up myself in support of
21 that.

22 These are tapes that are, again, I do not see where
23 they are particularly relevant to this particular case, your
24 Honor. They have significant implications for a number of
25 well known players and investment banks on the street that

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1 probably do reveal criminal behavior, but that does not
2 necessarily involve this case. They were things that I wrote
3 about. It is well documented that I was exposing the silver
4 manipulations that were -- went by a number of firms including
5 Republic Bank. The CFTC even contacted me personally for
6 information in that investigation and as well as that led to
7 the Bank of England getting involved into the investigation.

8 Those tapes are -- that Mr. Unger turned over have to
9 do with those issues, your Honor. I do not see, again, where
10 they are corporate records. I do not see where they are
11 relevant to the receiver's request to look for assets. They
12 certainly have nothing to do with the Japanese. So I don't
13 see where they are relevant to this case and they should be
14 returned.

6 THE COURT: November 15, audiotapes that you had in
7 your possession were given just a few days ago. You forgot
8 about. That's what I am told by Mr. Burns, you just forgot
9 you had them. That kind of a laissez-faire, laid back
10 attitude towards all of this does not commend itself to the
11 court as somebody who is really doing what they ought to be
12 doing to the best of their ability.

3 MR. ARMSTRONG: Your Honor, may I address the court
4 for a second? I gave the tapes to Mr. Unger because I had
5 received death threats and I had also received a bullet that
6 someone left in my mailbox which I also turned over to
7 Mr. Unger. I gave him those tapes that had nothing to do with
8 this case for safe keeping.

6 MR. ARMSTRONG: Your Honor --

7 THE COURT: Okay. Enough said. I am not going to
8 say any more on this subject.



ALAN M. COHEN

Executive Vice President and Head of Global Compliance

Alan Cohen has been an Executive Vice President of Goldman Sachs and our Head of Global Compliance since February 2004. He is a member of the [Management Committee](#), the Firmwide Client and Business Standards Committee, the Firmwide Investment Policy Committee and the Firmwide Reputational Risk Committee. From 1991 until January 2004, he was a partner in the law firm of O'Melveny & Myers LLP. He is affiliated with a



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